

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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7. On April 30, 1999, the court sentenced Respondent to the following:

a. On Count 1

- i. Pay restitution costs (to be determined, for cost of victim's counseling)
- ii. Serve 10 years in state prison, imposed
- iii. Submit a DNA sample and pay a \$250 DNA analysis surcharge
- iv. Be provided with sex offender treatment by the Department of Corrections
- v. Pay \$90 in fines, costs, and surcharge

b. On Count 2

- i. Pay restitution costs (to be determined, for cost of victim's counseling)
- ii. Serve 10 years in state prison, stayed (consecutive to the 10 years imposed on Count 1)
- iii. 10 years probation, consecutive to the prison sentence imposed on Count 1
- iv. Pay \$70 in fines and surcharge

8. Although the conduct which resulted in Respondent's conviction did not take place while Respondent was functioning as a real estate broker, the convictions of first degree sexual assaults are convictions of crimes, the circumstances of which substantially relate to the practice of real estate.

9. Respondent has agreed to surrender his license as a real estate broker.

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CONCLUSIONS OF LAW

- 1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to §452.14(3), Stats..
- 2. The Wisconsin Real Estate Board is authorized to enter into this stipulated resolution pursuant to §227.44(5), Stats.
- 3. Respondent, by having been convicted of two counts of first degree sexual assault of a child is subject to discipline pursuant to Wis. Adm. Code § RL 24.17 (2).

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ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent's surrender of his real estate broker's license is accepted, effective immediately.

IT IS FURTHER ORDERED that if Respondent ever applies for any license under chapter 452, Stats.:

- a. Respondent shall, at Respondent's own expense, have undergone an assessment by a mental health care provider experienced in assessing individuals who have committed sexual offenses.
- b. The practitioner performing the assessment must have been approved by the Department, with an opportunity for the Division of Enforcement to make its recommendation, prior to the evaluation being performed.
- c. Respondent must provide proof sufficient to the Department that Respondent can practice with reasonable skill and safety of the public.
- d. If the Department determines to license Respondent, the license shall be limited in a manner to address any recommendations resulting from the assessment, including, but not limited to:
 - i. Psychotherapy, at Respondent's expense, by a therapist approved by the Board or its designees, to address specific treatment goals, with periodic reports to the Board

by the therapist.

ii. Additional professional education in any identified areas of deficiency.

iii. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a person approved by the Board, with periodic reports to the Board by the supervisor.

e. Respondent shall appear before the Board on an annual basis, if requested by the Board, to review the progress of any treatment and rehabilitation.

3. If Respondent believes that the Department's refusal to license Respondent is inappropriate or that any limitation imposed by the Department or maintained by the Board, on any license that is granted, is inappropriate, Respondent may seek a class 1 hearing pursuant to §227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Department's or Board's decision is arbitrary or capricious. The denial of license, or limitations on any license granted to Respondent, shall remain in effect until there is a final decision in Respondent's favor on the issue.

4. Violation of any term or condition of this Order, or of any limitation imposed under the paragraphs above, may constitute grounds for revocation of any license Respondent may be granted. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, or any limitation on any license which Respondent may be granted under the paragraphs above, the Board may order that any license granted to Respondent be summarily suspended pending investigation of and hearing on the alleged violation.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 24th day of 1999

James R. Imhoff, Jr.

Chairperson

Real Estate Board